IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

LAND ACQUISITION REF.NO. 90 OF 1987

CASE NO. LAQ/252.

The Special Land Acquisition
Officer (3), and Bombay Suburban
District, Old Customs House,
Yard, Fort, Bombay.

And

National Cotton Product Pvt. Ltd., &
Mumbai Telephone - Mahanagar telephone
Ltd.,

None for claimant.
Ms. Geeta Shastri for SLAO.
Mr. S.R. Rajguru for Acquiring Body.

CORAM : S.U.KAMDAR, J.

DATE : 9th MARCH, 2005.

P.C.

. The present reference under section 18 of the Land Acquisition Act. A notification was issued under section 4 inter alia for acquisition of the land admeasuring 3073.96 sq. mts. bearing CTS No. 2/116 of Lower Parel Division of Bombay City. The

said acquisition was for the construction of telephone exchange and the same was treated as a public purpose. The notification was published in Government Gazette on 19.2.67. On 21.12.67, section 6 notification was issued. The same was published in Government Gazette on 22.1.1970. The Award has been passed on 7.7.86 inter alia awarding an amount of Rs. 20,01,056.00. On 28.8.1986 the applicant filed a Section 18 application for enhancement of the compensation. On 27.1.1987 possession is taken of the said land. By the present reference the claimant is seeking an enhancement of the amount of compensation from Rs. 300/- per sq. meter as against Rs. 286/- per sq. meter in the award of the SLAO.

2. Before the SLAO there was only one sale instance which was brought to the notice of the claimant which was in respect of the lease hold land of CTS No. 3/136 of Lower Parel Division, which was in industrial zone. The valuer has computed the said amount at Rs. 426/- per sq. yard. The SLAO has accepted the said sale instance. However, after giving deduction for the merits and demerits of the land, he has brought down the amount to Rs. 358/- per sq. meter. After the said Rs. 358/- per sq. meter is giving deduction of 20% on the ground of demerit the amount arrived at is Rs. 286 per sq. mtr. and the SLAO has awarded the said amount.

3. The claimant HAS not appeared before me and has not led any evidence whatsoever in respect of the market value of the said land. In the aforesaid circumstances and in view of the fact that here was only one instance before the SLAO and he has accepted the same, I do not see any reason for interfering with the award passed by the SLAO. I dismiss the claim accordingly and accept the award of the SLAO accordingly.